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Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The annual report of the International Criminal Court on its activities in 2017/18 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of Assembly resolution 72/3.

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Report of the International Criminal Court on its activities in 2017/18

Summary

The reporting period was another year with significant developments at all stages of proceedings at the International Criminal Court. The Court issued new arrest warrants against two persons, one of whom was transferred to the Court, continued three trials, pronounced final judgments in two cases before the Appeals Chamber and issued several important decisions on reparations to victims. The Prosecutor opened one new investigation and another 10 situations remained open. In terms of institutional developments, six new judges were sworn in and the plenary of judges elected a new presidency and a new Registrar. At its sixteenth session, the Assembly of States Parties to the Rome Statute of the International Criminal Court decided, by consensus, to activate the jurisdiction of the Court over the crime of aggression as of 17 July 2018.

Commemorations of the twentieth anniversary of the adoption of the Court's founding treaty, the Rome Statute, underscored the significance of the Court's mandate for the global community and demonstrated the breadth of international support for the Court. High-level officials from States across all regions, as well as representatives of international and regional organizations and civil society, voiced strong support for the Court and stressed the need to strengthen the international criminal justice system.

In total, since its establishment, the Court has opened 26 cases involving 41 suspects or accused, and has conducted investigations into 11 situations: Burundi, the Central African Republic I and II, Côte d'Ivoire, Darfur (Sudan), the Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali and Uganda.

Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud was surrendered to the Court on 31 March 2018, pursuant to an arrest warrant for war crimes and crimes against humanity allegedly committed in Timbuktu, Mali. Two arrest warrants were issued against Mahmoud Mustafa Busayf Al-Werfalli for murder as a war crime allegedly committed in Libya, but he remains at large.

Presentation of evidence concluded in the trial of Bosco Ntaganda, with closing arguments to follow. In the *Laurent Gbagbo and Charles Blé Goudé* case, the Prosecution concluded its presentation of evidence. In the case of Dominic Ongwen, the Prosecution and the Legal Representatives of Victims concluded the presentation of evidence.

The Appeals Chamber issued its judgment on Jean-Pierre Bemba Gombo's appeal against his conviction on charges of war crimes and crimes against humanity, reversing his conviction and acquitting him on all counts. The Appeals Chamber also issued judgment in *Bemba et al.*, the Court's first case relating to offences against the administration of justice, in compliance with article 70 of the Rome Statute. The Appeals Chamber confirmed convictions against all five accused for giving false testimony and/or corruptly influencing witnesses, and reversed convictions on other counts for three accused.

In addition to its investigations, the Office of the Prosecutor is currently conducting nine preliminary examinations. During the reporting period, the Office opened two new preliminary examinations of the situations in the Philippines and the Bolivarian Republic of Venezuela; continued the preliminary examinations of the situations in Colombia, Gabon, Guinea, Iraq/the United Kingdom of Great Britain and Northern Ireland, Nigeria, Ukraine and the State of Palestine; closed the preliminary

examination of the situation on registered vessels of the Comoros, Greece and Cambodia; completed the preliminary examination of the situation in Burundi, obtaining authorization to proceed with an investigation; and completed the preliminary examination of the situation in Afghanistan, requesting authorization to open an investigation.

The Court continued to receive highly valuable and appreciated cooperation from the United Nations on a wide range of issues on a reimbursable basis, notably operational assistance in the field. The cooperation, assistance and support of States parties and other States remained equally important to the Court's operations.

Requests for arrest and surrender issued by the Court remain outstanding against 15 individuals:

(a) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;

(b) Uganda: Joseph Kony and Vincent Otti, since 2005;

(c) Darfur: Ahmad Harun and Ali Kushayb, since 2007; Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; and Abdallah Banda, since 2014;

(d) Kenya: Walter Barasa, since 2013; and Paul Gicheru and Philip Kipkoech Bett, since 2015;

(e) Libya: Saif Al-Islam Gaddafi, since 2011; Al-Tuhamy Mohamed Khaled, since 2013; and Mahmoud Mustafa Busayf Al-Werfalli, since 2017;

(f) Côte d'Ivoire: Simone Gbagbo, since 2012.

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I. Introduction

1. The present report, covering the period from 1 August 2017 to 31 July 2018, is submitted in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court (see A/58/874, annex, and A/58/874/Add.1). Detailed information on the Court's activities is available on the Court's website.[1]

II. Update on judicial and prosecutorial activities

A. Situations and cases

2. In total, 12,509 victims participated in cases before the Court during the reporting period. The Court received a total of 384 new victim applications: 118 for reparations, 4 for participation and 262 for participation and reparations. The Court also received follow-up information for 2,412 existing applications, as well as 797 victim representation forms, in compliance with article 15 (3).

1. Situation in the Democratic Republic of the Congo

(a) Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

3. Mr. Lubanga is currently serving the remainder of his sentence in the Democratic Republic of the Congo. In accordance with article 110 (3) of the Rome Statute of the International Criminal Court, a panel of three judges of the Appeals Chamber reviewed his sentence for a second time. On 3 November 2017, the panel found that there were no significant changes in circumstances that would merit reducing Mr. Lubanga's sentence, which will expire on 15 March 2020.

4. On 15 December 2017, Trial Chamber II issued a decision setting Mr. Lubanga's liability for collective reparations at $10 million. The Chamber concluded that, of the 473 applications received, 425 met the requirements to benefit from collective reparations, but that further evidence indicated the existence of hundreds or even thousands of additional victims. On 15 January 2018, Mr. Lubanga's defence and one of the Legal Representatives of Victims claiming reparations filed appeals against the decision. The appeal is ongoing.

The Prosecutor v. Germain Katanga

5. On 25 and 26 April 2017, Mr. Katanga's defence, the Office of Public Counsel for Victims and the legal representatives of the majority of victims claiming reparations filed appeals against the reparations order of Trial Chamber II of 24 March 2017, by which the Chamber had awarded individual and collective reparations to victims of crimes of which Mr. Katanga had been convicted and set his liability at $1 million. On 8 March 2018, the Appeals Chamber partially confirmed the reparations order and remanded to Trial Chamber II consideration of five reparations applicants who alleged transgenerational psychological harm. On 19 July 2018, Trial Chamber II dismissed those applications, finding that the applicants had not established, to the requisite standard of proof, the causal nexus between the harm and the crimes of which Mr. Katanga had been convicted.

6. Trial Chamber II remains seized of the implementation of its reparations order and partially approved the draft implementation plan of the Trust Fund for Victims.

[1] www.icc-cpi.int.

The Prosecutor v. Bosco Ntaganda

7. Following the closure of the Prosecution's case on 29 March 2017, Trial Chamber VI denied the request by the defence to file a "no case to answer" motion. On 5 September, the Appeals Chamber ruled on an interlocutory appeal and confirmed the decision, finding no error in the exercise of discretion of Trial Chamber VI.

8. The defence closed its presentation of evidence on 23 February 2018, having called 12 witnesses, including Mr. Ntaganda. On 26 February, the Chamber rejected the request by the Prosecution to present evidence in rebuttal and, on 16 March, declared the presentation of evidence closed. Closing statements are scheduled for 28 to 30 August 2018.

(b) Investigations

9. The Office of the Prosecutor undertook 9 missions to three countries to collect evidence, screen and interview witnesses and secure continued cooperation. In addition, the Office requested that restrictions be lifted on the use of documents of the United Nations and other governmental and non-governmental sources at trial.

10. The Prosecutor visited the Democratic Republic of the Congo from 1 to 4 May 2018, where she met with President Joseph Kabila and political and judicial authorities to discuss the situation in the country, the status of national investigations and judicial proceedings related to alleged crimes that might fall within the International Criminal Court jurisdiction, and cooperation with the Office. She also met with religious leaders, representatives of political parties, civil society and the media, and other key interlocutors.

2. Situation in Uganda

(a) Judicial proceedings

The Prosecutor v. Dominic Ongwen

11. Mr. Ongwen's trial on 70 counts of crimes against humanity and war crimes continued during the reporting period. The presentation of evidence by the Prosecution concluded on 13 April 2018, and the Chamber received the testimony of 116 witnesses (69 viva voce and 47 written) during that presentation. The presentation of evidence by the Legal Representatives of Victims ran from 1 to 24 May, with seven viva voce witnesses. To date, the Chamber has recognized the formal submission of 4,271 items of evidence. The presentation by the defence will begin in the third quarter of 2018.

12. From 3 to 9 June 2018, the judges of Trial Chamber IX travelled to Uganda and visited the sites of alleged attacks, namely Pajule, Odek, Lukodi and Abok.

(b) Investigations

13. The Office of the Prosecutor conducted 30 missions to two countries in connection to the *Ongwen* case. The Office continued to encourage national proceedings in relation to both parties to the conflict. In March 2018, the Office contributed to a seminar in Kampala on addressing international crimes, sharing lessons learned and best practices with stakeholders from the law enforcement and justice sectors.

14. From 31 July to 8 August 2017, the Office of the Prosecutor and the Registry conducted a joint outreach mission to Uganda and met with affected communities, including cultural and religious leaders and civil society representatives. Court representatives provided updates on the Ongwen trial, building on extensive outreach activities undertaken through the Court's field presence during the reporting period.

3. Situation in the Central African Republic

(a) Judicial proceedings

The Prosecutor v. Jean-Pierre Bemba Gombo

15. On 8 June 2018, the Appeals Chamber issued judgments on Mr. Bemba's appeal against conviction and sentence, reversing his conviction for the crimes against humanity of murder and rape, and for the war crimes of murder, rape and pillaging of which Trial Chamber III had found him responsible as a military commander, pursuant to article 28 (a) of the Rome Statute. The Chamber acquitted Mr. Bemba on all counts, in particular owing to errors in the conclusion of Trial Chamber III that he had failed to take all necessary and reasonable measures in response to crimes committed by troops of the Mouvement de libération du Congo.

16. That same day, the Appeals Chamber dismissed the appeals against the sentencing of Trial Chamber III, finding that the decision ceased to have any effect following Mr. Bemba's acquittal. Mr. Bemba was not immediately released, however, as his continued detention was required in relation to offences against the administration of justice.

The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

17. On 8 March 2018, the Appeals Chamber issued its judgment on the appeals of the five convicted persons in the Court's first case relating to offences against the administration of justice, pursuant to article 70 of the Rome Statute. The Chamber confirmed convictions for giving false testimony and corruptly influencing witnesses, as provided under article 70, paragraphs (1) (a) and (c), of the Rome Statute and reversed the convictions of Messrs. Bemba, Kilolo and Mangenda for presenting evidence that the party had known was false or forged, as provided under article 70 (1) (b).

18. The same day, the Appeals Chamber ruled on the appeals by the convicted persons and by the Prosecutor against the sentences imposed by Trial Chamber VII. The sentences of 6 and 11 months of imprisonment of Messrs. Babala and Arido, respectively, were confirmed. On the basis of the Prosecutor's appeal, the Appeals Chamber reversed the sentences of Messrs. Bemba, Kilolo and Mangenda and, noting that their convictions had been partially reversed, remanded the determination of new sentences to Trial Chamber VII.

19. Following the Appeals Chamber's acquittal of Mr. Bemba in the main case, on 15 June 2018, Trial Chamber VII ordered Mr. Bemba's provisional release with specific conditions for the remainder of the resentencing proceedings.

(b) Investigations

20. The Office of the Prosecutor conducted 98 missions to 11 countries in connection to its two active investigations conducted in the Central African Republic. Cooperation with the Central African authorities and those of neighbouring countries, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and several United Nations entities remains key. In line with its strategic goal 9, the Office shared expertise and best practices with Central African judicial actors, including the Special Criminal Court.

4. Situation in Darfur

(a) *Judicial proceedings*

The Prosecutor v. Omar Hassan Ahmad Al-Bashir

21. On 11 December 2017, Pre-Trial Chamber II found that Jordan had failed to comply with its obligations under the Rome Statute by failing to arrest Omar Al-Bashir and surrender him to the Court while he was on Jordanian territory, and referred the matter to the Assembly of States Parties and the Security Council. The Chamber recalled that the Court's jurisdiction in this case had been triggered by Council resolution 1593 (2005), whereby the Council, acting under Chapter VII of the Charter of the United Nations, had referred the situation in Darfur to the Prosecutor of the International Criminal Court.

22. Having obtained leave to appeal, on 12 March 2018, Jordan filed its brief against the decision of Pre-Trial Chamber II. This is the first time in the Court's history that the Appeals Chamber is seized of an appeal concerning the legal obligations of States and immunities (if any) available to Heads of State under articles 27 and 98 of the Rome Statute, customary international law and resolution 1593 (2005). The Appeals Chamber received 11 *amici curiae* observations from professors of international law, the African Union, and the League of Arab States. A hearing on this important matter for the Court's jurisprudential development is scheduled for 10 to 12 September 2018.

(b) *Investigations*

23. The Office of the Prosecutor conducted 35 missions to 18 countries to collect documentary and other evidence and conduct witness interviews, as it continued to monitor trends that might constitute crimes under the Rome Statute. As highlighted in the reports of the Office to the Security Council, despite the non-execution of the arrest warrants, lack of effective support from the Council and a dearth of resources, long-term investigation initiatives are yielding important evidence that supplements and strengthens the ongoing cases.

5. Situation in Kenya

Investigations

24. The Office of the Prosecutor continued to receive information on the alleged commission of crimes against humanity during the post-election violence of 2007–2008, and to investigate alleged instances of offences against the administration of justice, in accordance with article 70 of the Rome Statute.

6. Situation in Libya

(a) *Judicial proceedings*

The Prosecutor v. Saif Al-Islam Gaddafi

25. On 5 June 2018, Saif Al-Islam Gaddafi challenged the admissibility of the case, pursuant to articles 17 (1) (c), 19 and 20 (3) of the Rome Statute. On 14 June, Pre-Trial Chamber I issued its decision on the conduct of the proceedings with regard to the admissibility challenge.

The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli

26. The first arrest warrant against Mr. Al-Werfalli was requested by the Prosecutor on 1 August 2017 and was issued on 15 August by Pre-Trial Chamber I. Mr. Al-Werfalli is suspected of having directly committed and ordered murder as a war crime in seven

incidents (involving 33 persons) from 3 June 2016 or before until 17 July 2017 or thereabouts in Benghazi and surrounding areas.

27. On 4 July 2018, Pre-Trial Chamber I issued a second arrest warrant against Mr. Al-Werfalli for alleged murder as a war crime in the context of an eighth incident that occurred on 24 January 2018, when he allegedly killed 10 persons outside the Bi'at al-Radwan mosque in Benghazi, Libya. The Prosecutor made public calls for his immediate arrest and surrender to the Court, including at the Security Council, which had referred the situation in Libya to the Prosecutor of the International Criminal Court in its resolution 1970 (2011).

(b) Investigations

28. The Office of the Prosecutor conducted 40 missions to 11 countries. As highlighted in the reports of the Office to the Security Council, the Office continued to advance investigations relating to both existing and potential new cases. The Office worked in close cooperation with Libya and other States, as well as the United Nations Support Mission in Libya and other international organizations.

29. Thanks to that support, the Office was able to conduct its first visit to Libya in more than five years, despite the challenging security situation, which limits possibilities for in situ investigations.

7. Situation in Côte d'Ivoire

(a) Judicial proceedings

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

30. The presentation of evidence by the Prosecution concluded on 19 January 2018 with the testimony of the last of 82 witnesses before Trial Chamber I. A hearing concerning the continuation of the trial proceedings is scheduled for 1 October 2018.

(b) Investigations

31. The Office of the Prosecutor conducted 47 missions to nine countries, as it continued to investigate crimes allegedly committed by all parties to the conflict during the post-election period.

8. Situation in Mali

(a) Judicial proceedings

The Prosecutor v. Ahmad Al Faqi Al Mahdi

32. On 27 September 2016, Trial Chamber VIII found Mr. Al Mahdi guilty of the war crime of attacking historic and religious buildings in Timbuktu and sentenced him to nine years of imprisonment.

33. On 17 August 2017, Trial Chamber VIII issued its reparations order, determining that Mr. Al Mahdi's acts had caused physical damage to protected buildings, as well as economic and moral harm, resulting in total liability of €2.7 million.

34. On 18 September 2017, the Legal Representatives of Victims appealed the reparations order. On 8 March 2018, the Appeals Chamber issued its judgment, amending the order to allow the consideration of applicants who did not wish their identities to be disclosed to the convicted person and to provide for the possibility that applicants may request judicial review of negative screening process outcomes. In other respects, the reparations order was confirmed.

35. On 12 July 2018, despite certain reservations and subject to amendments and further directions, Trial Chamber VIII approved the draft implementation plan of the Trust Fund for Victims following the reparations order. The Trust Fund is to file an updated implementation plan with selected projects.

The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

36. On 27 March 2018, Pre-Trial Chamber I issued an arrest warrant against Mr. Al Hassan for war crimes and crimes against humanity allegedly committed in 2012 and 2013 in Timbuktu. He was surrendered to the Court on 31 March 2018 and first appeared before Pre-Trial Chamber I on 4 April. On 24 May, the Chamber issued a decision establishing principles for victims' applications for participating in the proceedings. A confirmation of charges hearing is scheduled for 24 September 2018.

(b) Investigations

37. The Office of the Prosecutor conducted 25 missions to four countries to investigate alleged crimes in this situation. It continued to work in cooperation with the national authorities and other actors, including United Nations entities — in particular the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

9. Situation in Georgia

Investigations

38. The Office of the Prosecutor conducted 32 missions to eight countries, as it continued to investigate crimes allegedly committed in Georgia. The Office continued to call upon all parties to cooperate with its investigations, including the Russian Federation and South Ossetia, and welcomed the efforts of those that had done so.

10. Situation in Burundi

(a) Judicial proceedings

39. On 25 October 2017, Pre-Trial Chamber III issued its decision to authorize the Prosecutor to open an investigation into crimes allegedly committed in Burundi or by Burundian nationals outside Burundi between 26 April 2015 and 26 October 2017. The Prosecutor was authorized to extend her investigation to crimes committed before 26 April 2015 or continued after 26 October 2017, if certain legal requirements were met. In its decision, the Chamber found a reasonable basis to believe that a widespread and systematic attack against the Burundian civilian population had been carried out pursuant to a State policy to supress dissenting views.

(b) Investigations

40. The Office of the Prosecutor conducted 24 missions to seven countries in connection to investigations into the crimes allegedly committed in relation to the situation in Burundi.

11. Situation in Afghanistan

Investigations

41. On 20 November 2017, the Prosecutor requested authorization from Pre-Trial Chamber III to initiate an investigation into alleged crimes in relation to Afghanistan. The Court received 797 forms communicating victims' views with respect to the Prosecutor's request, following the Chamber's order to the Registry of 9 November

2017 concerning victims' representation, pursuant to article 15 (3). The situation was reassigned to Pre-Trial Chamber II in March 2018, and the Prosecutor's request is pending.

12. Situation on registered vessels of the Comoros, Greece and Cambodia

Judicial proceedings

42. On 26 February 2018, the Government of the Comoros presented before Pre-Trial Chamber I its request for judicial review of the decision taken by the Prosecutor on 29 November 2017 on the situation on registered vessels of the Comoros, Greece and Cambodia. On 2 March 2018, Pre-Trial Chamber I issued a decision establishing timelines for submissions in relation to that request.

13. Other judicial proceedings

43. On 9 April 2018, the Prosecutor submitted a request for a ruling on jurisdiction, in accordance with article 19 (3) of the Rome Statute, asking the Pre-Trial Chamber whether the Court might exercise jurisdiction on the alleged deportation of Rohingyas from Myanmar to Bangladesh.

44. On 7 May 2018, Pre-Trial Chamber I issued a decision inviting Bangladesh to submit observations on the Prosecutor's request. On 29 May and 7, 11, and 14 June, the Chamber issued various decisions on requests to submit *amici curiae* observations in relation to the Prosecutor's request. On 20 June, the Office of the Prosecutor appeared before the Pre-Trial Chamber in a closed hearing and the Chamber issued a decision the following day, inviting Myanmar to submit observations.

B. Preliminary examinations

45. During the reporting period, the Office of the Prosecutor conducted the preliminary examinations of 12 situations, of which 3 were closed or completed. On 4 December 2017, the Office issued a report on its preliminary examination activities, in which further details of these key activities of the Office can be found.

46. The Office continued to analyse information received on the alleged commission of crimes potentially falling within its jurisdiction. From 1 August 2017 to 30 June 2018, the Office registered 517 communications submitted in accordance with article 15 of the Rome Statute, of which 332 were manifestly outside the Court's jurisdiction, 30 were unrelated to current situations and warranted further analysis, 113 were linked to a situation already under analysis and 42 were linked to an investigation or prosecution.

1. Afghanistan

47. On 20 November 2017, the Office of the Prosecutor completed its preliminary examination and requested authorization from Pre-Trial Chamber III to proceed with an investigation into the situation in Afghanistan in the period since 1 July 2002, including crimes with a nexus to the armed conflict in Afghanistan and those sufficiently linked to the situation that had been allegedly committed on the territory of other States parties to the Rome Statute since 1 July 2002.

2. Burundi

48. On 5 September 2017, the Office of the Prosecutor completed its preliminary examination of the situation in Burundi and requested authorization from Pre-Trial Chamber III to proceed with an investigation into the situation in that country since 26 April 2015. The authorization was granted on 25 October 2017.

3. Colombia

49. The Office of the Prosecutor continued to engage with the Colombian authorities to obtain additional details on relevant genuine investigative steps and prosecutorial activities undertaken by national authorities. The Prosecutor conducted her first visit to Bogotá from 10 to 13 September 2017, where she met with senior executive and judicial officials, including President Juan Manuel Santos. At the invitation of the President of the Constitutional Court of Colombia, on 18 October 2017, the Prosecutor submitted an *amicus curiae* brief summarizing the Office's views on certain aspects of Legislative Act No. 01 of 2017 and Law No. 1820 (the so-called "Amnesty Law"). The Office conducted further missions to Colombia in March and May 2018.

4. Gabon

50. Following the Gabonese authorities' referral of 21 September 2016, the Office of the Prosecutor continued its preliminary examination of the situation in Gabon since May 2016 to determine whether there was a reasonable basis to believe that crimes allegedly committed in that country in connection with the presidential election of 27 August 2016 fell within the Court's subject-matter jurisdiction.

5. Guinea

51. Following its finding of a reasonable basis to believe that crimes against humanity had been committed during the events in the Conakry stadium on 28 September 2009, the Office of the Prosecutor continued to assess the Guinean authorities' efforts to conduct genuine national proceedings in relation to those events. In February 2018, the Office conducted its 15th mission to Conakry. It continued to monitor any obstacles to genuine accountability and, in coordination with other stakeholders, such as the Guinean authorities, civil society organizations, victims' legal representatives and the diplomatic community in Conakry, including the United Nations, to support the organization of a fair and impartial trial, respectful of the rights of the accused and of the victims.

6. Iraq/United Kingdom of Great Britain and Northern Ireland

52. Following its previous conclusion that there was a reasonable basis to believe that members of the armed forces of the United Kingdom had committed war crimes against persons in their custody that fell under the Court's jurisdiction, the Office of the Prosecutor has been undertaking an assessment of admissibility, including complementarity and gravity. To that end, the Office continued to engage with the relevant national authorities, including through high-level meetings.

7. Nigeria

53. The Office of the Prosecutor analysed information on a variety of alleged crimes in different contexts, including alleged sexual and gender-based crimes in the armed conflict between Boko Haram and the Nigerian security forces, as well as alleged killings in the north-west and north-central regions of Nigeria, and continued to gather information on national proceedings relating to the eight potential cases identified by the Office in 2015.

54. From 20 to 24 May 2018, the Office conducted a technical mission to Abuja and, on 17 July, the Prosecutor met with the Minister of Justice and Attorney-General of Nigeria to provide him with an update on progress in the preliminary examination.

8. State of Palestine

55. The Office of the Prosecutor continued to analyse information pertaining to the Court's jurisdiction in Palestine, as well as crimes allegedly committed by both parties to the conflict in Gaza in 2014 and crimes allegedly committed in the West Bank, including East Jerusalem, since 13 June 2014. The Office held multiple meetings at the Court with relevant stakeholders, including government officials and civil society representatives.

56. On 8 April, the Prosecutor issued a statement expressing concern over violence reportedly committed in the context of demonstrations along the Gaza border.

57. In May 2018, the Office received a referral from the Government of the State of Palestine, in accordance with articles 13 (a) and 14 of the Rome Statute, regarding the situation in Palestine since 13 June 2014. On 13 July, Pre-Trial Chamber I issued a decision on information and outreach for victims of the situation.

9. Ukraine

58. Subsequent to the second declaration by Ukraine, lodged on 8 September 2015, in accordance with article 12 (3) of the Rome Statute, in which it accepted the Court's exercise of jurisdiction from 20 February 2014, the Office of the Prosecutor continued to analyse whether alleged crimes relating to the situations in Crimea and eastern Ukraine fell within the Court's jurisdiction.

59. The Office received further information from the Government of Ukraine, non-governmental organizations and other actors, and continued to engage with State authorities and intergovernmental and non-governmental organizations with regard to the preliminary examination, both through consultations held at the Court and during two missions to Ukraine conducted from 14 to 16 September 2017 and from 18 to 21 June 2018, respectively.

10. Registered vessels of the Comoros, Greece and Cambodia

60. Following the request by Pre-Trial Chamber I that the Prosecutor reconsider her decision of 6 November 2014 not to open an investigation, the Office of the Prosecutor thoroughly reviewed all available information that had informed that decision and, on 29 November 2017, the Prosecutor reaffirmed the decision.

11. Bolivarian Republic of Venezuela

61. On 8 February 2018, the Office of the Prosecutor initiated a preliminary examination of the situation in the Bolivarian Republic of Venezuela in relation to crimes allegedly committed in the country since at least April 2017 in the context of demonstrations and political unrest.

62. The Office analysed reports of people killed or injured during the demonstrations, and the reported arrest and detention of thousands of actual or perceived opposition members, a number of whom had allegedly been subjected to serious abuse and ill-treatment in detention. The Office engaged and sought information from a variety of sources and stakeholders, including national authorities and civil society.

12. Philippines

63. The Office of the Prosecutor initiated a preliminary examination of the situation in the Philippines on 8 February 2018 in relation to crimes allegedly committed in the country since 1 July 2016 in the context of the Government's "war on drugs" campaign. The Office received and analysed numerous communications and public reports concerning killings allegedly carried out as part of the campaign, and interacted with relevant stakeholders.

III. International cooperation

A. Cooperation with the United Nations

1. General cooperation with United Nations Headquarters

64. As provided in the Relationship Agreement between the United Nations and the International Criminal Court concluded in 2004, relations between the United Nations and the Court are based on respect for each other's status and mandates, and are aimed at promoting the discharge of the organizations' respective responsibilities in a mutually beneficial manner. The Agreement establishes the framework for many forms of cooperation, including information exchange, the provision of services and facilities, judicial assistance, the appearance of United Nations staff in court to provide testimony and field support. Specific forms of cooperation are negotiated and provided through supplementary agreements.

65. The Court continued to receive crucial support and cooperation from the United Nations senior leadership. The Court is grateful for the Secretary-General's support, as reaffirmed during, inter alia, his visit to the Court on 21 December 2017. The Court also recognizes the critical cooperation of the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel as the interface between the Court and the United Nations, in particular in the transmission and coordination of judicial cooperation requests. The Court continued to finance a P-3 Legal Officer position within the Office of Legal Affairs to handle the work generated through the cooperation between the United Nations and the Court.

66. Various United Nations entities, departments, offices and special advisers and representatives of the Secretary-General provided operational support to the Court during the reporting period. The Court's leadership held high-level consultations with senior United Nations officials, including the Secretary-General, the Deputy Secretary-General and the President of the General Assembly.

67. The Prosecutor's biannual briefings to the Security Council relating to the situations in Darfur and Libya provided opportunities to inform the Council and the States Members of the United Nations of progress and challenges with those investigations, especially the failure to execute outstanding arrest warrants.

68. An annual International Criminal Court-United Nations round table was held in New York on 6 and 7 December 2017. A large number of United Nations offices, agencies, funds and programmes participated, in addition to different parts of the Court. The programme included updates on activities, exchanges of best practices in mutual cooperation and discussions on building the capacity of national jurisdictions.

69. Facilities and services provided by the United Nations on a reimbursable basis allowed the Assembly of States Parties to hold its sixteenth session at United Nations Headquarters, from 4 to 14 December 2017.

70. Although the Court is not a party to the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances, it voluntarily supports the movement of personnel in accordance with the provisions of the Agreement. During the reporting period, four staff members were on loan or secondment to the Court from other tribunals or international organizations, while six staff members of the Court were on loan or secondment to other tribunals or international organizations.

71. The Court continued to cooperate with United Nations common system organizations by participating in inter-agency meetings on facilities management, travel and security.

72. The representation of the Court at the United Nations via a small liaison office in New York continued to play an important role in facilitating communication between the two organizations, as well as between the Court and permanent and observer missions to the United Nations.

2. Cooperation with peacekeeping missions and other United Nations entities present in the field

73. The Court continued to benefit from cooperation from United Nations entities present in the field, in accordance with their mandate and with the agreement of host States. The Court highly appreciates such cooperation, which is essential for its operations.

74. During the reporting period, the Court completed the recruitment of chiefs of office for its field offices. This has enhanced the capacity of those offices to engage with national authorities and local communities, as well as to cooperate with the United Nations and other international stakeholders.

75. The Court opened its field office in Georgia in December 2017 to maintain contact with stakeholders on the ground, including United Nations entities; provide operational, logistic and diplomatic support to various organs of the Court; and conduct outreach activities.

76. The Court continued to participate in the United Nations security management system and relied on United Nations missions to provide services, such as transportation, radio and video communication, medical assistance and security briefings, as well as security training, information-sharing and risk-management resources.

3. Cooperation with the Security Council

77. The Court and the Security Council have different yet complementary roles in addressing the gravest crimes of concern to the international community, which have a potential to destabilize international peace and security. The Council's prerogative to refer a situation to the Court can help to promote accountability in countries where grave crimes may have been committed but where the Court has no jurisdiction. Where the Council has made such a referral, active follow-up is necessary to ensure cooperation with the Court, especially regarding the arrest and surrender of individuals subject to arrest warrants. Following the Darfur and Libya referrals, the Court has communicated to the Council a total of 15 findings of State non-cooperation; however, the Council has failed to respond, in any substantive form, to those communications.

78. The Court believes that a structured dialogue between the Court and the Council on matters of mutual interest, both thematic and situation-specific, could improve the implementation of Council referral resolutions and enhance the fight against impunity.

79. It is in that spirit that, on 6 July 2018, the States parties to the Court that sat on the Council convened an Arria-formula meeting on relations between the Council and the Court, the first of this nature. Participants included the Court Prosecutor, the President of the Assembly of States Parties, the Assistant Secretary-General for Legal Affairs, the Permanent Representative of Mali to the United Nations and the Special Prosecutor of the Special Criminal Court of the Central African Republic. The meeting also included representatives of member States of the Council, other Member

States and civil society. The objectives of the meeting were to take stock of the Court's activities, including achievements and challenges, and to explore synergies with the Council's work. The initiative was welcomed as an important step towards enhanced ca of the Court's work and the broad support that it enjoys. Participants in the meeting raised concrete issues and proposals in the context of relations between the Council and the Court, such as improving responses to non-cooperation findings (e.g. the proposal by New Zealand in December 2015 for a more structured consideration by the Council of such findings), enhancing the mandates of peacekeeping missions and bolstering Council support for national capacity-building. Participants highlighted the necessity of Council support for the Court's work.

80. The Court remains keen to strengthen cooperation and coordination with the Council in a number of specific areas that could have a positive impact on the pursuit of the common goals of the Council and the Court, notably in relation to sanctions committees, travel bans and the freezing of assets, as discussed in paragraphs 92 to 95 of the Court's previous annual report (A/72/349).

4. Mainstreaming the International Criminal Court in the United Nations system

81. The Court greatly appreciates the acknowledgments and espousals of support for its activities contained in resolutions, declarations and other documents adopted by the General Assembly, the Security Council and other United Nations organs, committees and commissions. The Court also values opportunities for its senior officials to participate in relevant United Nations meetings, such as those related to the rule of law, international criminal and humanitarian law, transitional justice, sexual violence in conflict, children and armed conflict, peacebuilding, sustainable development and the responsibility to protect.

82. In September 2017, the Prosecutor participated in the seventy-second General Assembly session, a unique cost-effective opportunity to advance the work of her Office, as well as to strengthen support for the Court and further mainstream its mandate. The Prosecutor held 15 bilateral meetings with Heads of State, high-level representatives of States and United Nations representatives. She also participated in the annual meeting of the informal ministerial network of the Court, as well as a discussion on the responsibility to protect cultural heritage from terrorism and mass atrocities convened by the Permanent Mission of Italy to the United Nations, the European Union, UNESCO, the United Nations Office on Drugs and Crime and the Global Centre for the Responsibility to Protect.

83. On 6 November 2017, recognizing the importance of protecting cultural heritage from attacks in time of conflict, the Court Prosecutor and the Director General of UNESCO signed a letter of intent to formalize and further enhance the collaboration of the Office of the Prosecutor and UNESCO, in line with their respective mandates.

84. Considering the primary responsibility of national jurisdictions to investigate and prosecute Rome Statute crimes, the Court strongly encourages the inclusion of related capacity-building elements in legal and judicial reform programmes supported by the United Nations in the context of its assistance to the development of the rule of law, as well as the implementation of Sustainable Development Goal 16. This may include incorporating into national law the Rome Statute crimes and principles, establishing or enhancing national processes for cooperation with the Court and training legal professionals on international investigations and prosecutions, in particular in the context of United Nations peacekeeping operation mandates to support justice and correctional institutions in post-conflict settings. United Nations entities are encouraged to consider drawing on the Court's expertise for such activities.

5. United Nations assistance to counsel

85. The Registry continued to receive, with appreciation, support from the United Nations to counsel. This continued assistance and the inclusion of related provisions in agreements between the Court and the United Nations are of particular importance in the light of the principle of equality of arms.

B. Cooperation with and assistance from States, other international organizations and civil society

1. Judicial assistance

86. During the reporting period, the Registry transmitted 674 requests for visas to States. The Registry also transmitted 104 requests for cooperation to States parties, other States and international and regional organizations, in addition to following up on pending requests.

87. In connection with its investigative and prosecutorial activities, the Office of the Prosecutor addressed 556 requests for assistance (an increase of 33.65 per cent from the previous reporting period) to more than 58 partners, including States parties, non-States parties, international and regional organizations and other public or private entities, in addition to following up on the execution of pending requests.

88. States continued to provide logistical support, including facilitating the appearance of witnesses via video link, the appearance of detained witnesses and investigative and related missions. States provided, through the Registry, assistance to defence teams in support of their investigative activities, including by giving access to documents and other information and by issuing visas and facilitating family visits for their clients. States also provided various forms of assistance to legal representatives of victims. All those forms of assistance are appreciated as contributing to the efficiency and fairness of proceedings before the Court.

89. As demonstrated by the list of outstanding warrants in the summary of the present report, the arrest and surrender of individuals subject to Court warrants remain a critical challenge. The Court appreciates any efforts made by States parties or others to help to ensure the timely arrest and surrender of those individuals. This includes tracking efforts, the identification of potential leverage and partners, and operational support.

90. The Court continued to encourage States to conclude cooperation agreements with the Court regarding receiving detained persons during interim release or subsequent to their final release, enforcing sentences of imprisonment pronounced by the Court and relocating witnesses. During the reporting period, Argentina signed agreements on interim release and final release, becoming the first State party to conclude all four cooperation agreements with the Court. In total, the Court has entered into 10 enforcement agreements, two interim-release agreements, one release-of-persons agreement, and 19 witness-relocation agreements.

91. The Registry and the Office of the Prosecutor continued their efforts to further enhance cooperation with national, regional and international law enforcement networks in support of the Court's needs, and to assist with national proceedings, when appropriate, in accordance with the principle of complementarity. The Registry and the Office continued to work closely together to develop a network of partners to foster information exchange and cooperation in the identification, freezing and seizure of assets.

92. The conference entitled "The International Criminal Court and International Cooperation: The Challenges of Asset Recovery", held in October 2017 in Paris,

provided a forum to discuss challenges and ways to enhance cooperation and coordination between the Court and States in that area. In December 2017, the Assembly of States Parties endorsed the declaration adopted at the conference. In addition, the Court developed a booklet explaining its processes for financial investigations and the recovery of assets.[2]

2. International Criminal Court cooperation seminars

93. Generous financial contributions from the European Commission, the Netherlands and the International Organization of la Francophonie (OIF) enabled the Court to organize 11 high-level and technical events during the reporting period, including high-level regional Court cooperation seminars in Ecuador and the Niger, the latter of which also included a technical workshop led by Parliamentarians for Global Action on aligning national law with the Rome Statute; a seminar with African States parties in Addis Ababa, with close cooperation and support from OIF; a side event at the forty-eighth meeting of the Pacific Islands Forum, entitled "Membership in the Rome Statute — Why and How?", in Apia; a conference on financial investigations and asset recovery in Paris; the annual seminar for International Criminal Court focal points from situation countries; one training session for judges of the Special Criminal Court in Bangui; and one technical seminar on victims and witness protection.

94. On 18 January 2018, the Court, for the first time, held a ceremony for the opening of the judicial year, with the President of Trinidad and Tobago as the keynote speaker, and a judicial seminar, entitled "Complementarity and Cooperation of National, Regional and International Courts". The seminar gathered chief justices and other senior judges from 25 States, several regional and international courts and the International Criminal Court. An extended programme was organized for judges from International Criminal Court situation countries.

95. Collectively, those activities brought together in excess of 400 participants from more than 120 States and other entities, strengthening the Court's capacity to implement its mandate thanks to improved judicial cooperation, heightened diplomatic support and greater awareness of its mandate and activities. The Court is grateful to host countries, partner organizations, donors and participating experts for their valuable support and contributions.

3. Cooperation with other international and regional organizations

96. The Court continued to develop its interaction and cooperation with international and regional organizations, which are key partners for such priorities as promoting the universality of the Rome Statute and the adoption of national implementing legislation, and enhancing cooperation. The Court believes that further engagement with regional organizations can help to raise awareness of its work, dispel misconceptions and encourage wider geographical representation in its staff.

4. Cooperation with civil society

97. The Court continued to engage actively with civil society partners and hosted the twenty-second annual round table with non-governmental organizations, from 14 to 18 May 2018, to discuss issues of common interest.

98. The Court greatly values, and continued to participate in, the activities of civil society partners to promote awareness of and cooperation with the Court, as well as the universality and full implementation of the Rome Statute.

[2] Available at www.icc-cpi.int/news/seminarBooks/Freezing_Assets_Eng_Web.pdf.

IV. Institutional developments

A. Treaty matters

99. At its sixteenth session, the Assembly of States Parties decided, by consensus, to activate the jurisdiction of the Court over the crime of aggression as of 17 July 2018.

100. The Assembly of States Parties also adopted three amendments to article 8 of the Rome Statute, relating to the use of microbial, biological or toxin weapons; weapons that injure by fragments undetectable by X-rays; and laser-blinding weapons. The amendments are subject to ratification or acceptance.

101. During the reporting period, two States parties ratified the previous amendment to article 8, adopted in 2010; one State party ratified the amendments on the crime of aggression; and five States parties ratified the amendment to article 124, bringing the total number of parties to those amendments to 36, 35 and 10, respectively.

102. The withdrawal of Burundi from the Rome Statute took effect on 27 October 2017. On 17 March 2018, the Philippines submitted a notification of withdrawal from the Rome Statute to the Secretary-General, pursuant to article 127. The withdrawal will take effect on 17 March 2019.

B. Elections and appointments

103. At its sixteenth session, the Assembly of States Parties held a regular election of six judges for nine-year mandates. Judges Luz del Carmen Ibáñez Carranza, Solomy Balungi Bossa, Tomoko Akane, Reine Alapini-Gansou, Kimberly Prost and Rosario Salvatore Aitala were sworn in on 9 March 2018 and assumed full-time duty on 10 June. The Assembly of States Parties also elected, by acclamation, O-Gon Kwon as President of the Assembly for a three-year mandate, starting 15 December 2017.

104. On 11 March 2018, the Court's judges elected Judge Chile Eboe-Osuji as President of the Court for a three-year term, with immediate effect. Judges Robert Fremr and Marc Perrin de Brichambaut were elected First and Second Vice-President, respectively.

105. On 28 March 2018, the judges elected Peter Lewis as Registrar for a five-year term, starting 17 April.

C. Trust Fund for Victims

106. The Trust Fund for Victims is at the implementation stage with regard to the reparations orders in the *Lubanga* and *Katanga* cases in the Democratic Republic of the Congo, and the *Al Mahdi* case in Mali. The Trust Fund highly appreciates the assistance and cooperation received from United Nations entities and field offices in that context.

107. The Trust Fund continued activities under its assistance mandate. Together with locally based implementing partners in the Democratic Republic of the Congo and Uganda, the Trust Fund has assisted to date several hundred thousand direct and indirect victims, through physical and psychological rehabilitation, as well as the provision of material support to survivors.

108. From 19 to 23 February 2018, the Trust Fund and the Government of Ireland led a joint monitoring field visit to northern Uganda. The delegation, comprised of the President of the Assembly of States Parties and of representatives of 10 States parties, observed first-hand the work of the Trust Fund in the field and met with community leaders, survivors, and locally based implementing partners of the Trust Fund.

109. On 13 June 2018, following Mr. Bemba's acquittal, the Board of Directors of the Trust Fund decided to bring forward the launch of the assistance programmes in the Central African Republic and to establish a starting capital of €1 million for that purpose. The Trust Fund also expects to commence a new assistance programme cycle in the Democratic Republic of the Congo and to start the assistance programmes in Côte d'Ivoire in 2018.

110. The Trust Fund calls upon all States and entities to make voluntary contributions to benefit victims and their families.

D. Commemoration of the twentieth anniversary of the Rome Statute

111. The twentieth anniversary of the Court's founding treaty, the Rome Statute, was commemorated officially on 17 July 2018 with a solemn hearing and a major high-level symposium at the Court. The President of Nigeria, speakers from national parliaments, ministers for foreign affairs and ministers of justice, the United Nations Legal Counsel and representatives of international and regional organizations, civil society and academia reflected on the enduring value of the Rome Statute and the International Criminal Court to humanity. More than 20 States parties from all regional groups were represented at a ministerial or comparable level; their statements, which underline the importance of the Court's mandate, are available on the International Criminal Court website.[3] In his keynote speech, the President of Nigeria stated that, with the alarming proliferation of the most serious crimes around the world, the International Criminal Court, and all that it stood for, was now needed more than ever, and that a strong and effective Court had the potential to send a powerful message about the international community's commitment to accountability, a message that would be heard by both victims and perpetrators. He urged all States that had not yet done so to, as a matter of deliberate State policy, accede to the Rome Statute so that it could become a universal treaty. The Executive Director of Human Rights Watch recalled in his remarks that ending impunity for mass atrocities was the best way to obtain redress for yesterday's victims and to prevent the recurrence of mass atrocities tomorrow.

112. The Court also participated in the high-level event entitled "20th Anniversary of the Rome Statute: The Need for Universality and the International Criminal Court's Jurisdiction over the Crime of Aggression", organized on 17 July 2018 at United Nations Headquarters. The same day, the Court and the Permanent Mission of the Netherlands hosted an event for the opening of a photography exhibition at United Nations Headquarters, entitled "Trauma, Healing and Hope", featuring photographs from Court situation countries by award-winning photographer Marcus Bleasdale. The exhibition was also displayed in The Hague in partnership with the municipality.

113. International Criminal Court field offices in situation countries will be hosting numerous outreach activities and events related to the twentieth anniversary throughout 2018.

114. Numerous States parties have organized events and activities marking the anniversary, and an overview of events is available on the website of the Assembly of States Parties.[4] Many non-governmental organizations also are commemorating the anniversary by creating opportunities for dialogue and reflection on the Rome Statute. The Coalition for the International Criminal Court launched its commemoration with an event at the Court, on 15 and 16 February 2018.

[3] See www.icc-cpi.int/romestatute20/Pages/20a-programme.aspx.

[4] https://asp.icc-cpi.int/EN_Menus/asp/pages/asp_home.aspx.

V. Conclusion

115. The Court had another year marked by significant developments in pretrial, trial, and reparations proceedings; appeals; and preliminary examinations and investigations. The cooperation and support provided by the United Nations and its various entities and funds, States and other entities are more important than ever, as the Court's activities continue to increase in number and scope.

116. The Assembly of States Parties activated the Court's jurisdiction over the crime of aggression, effective from 17 July 2018, coinciding with the twentieth anniversary of the adoption of the Rome Statute, the Court's founding treaty. Numerous events throughout the year will be commemorating the anniversary, generating strong calls for justice from States and civil society alike. It is hoped that these expressions of commitment manifest into concrete action to support the Court's mission, revitalizing the international community's efforts to ensure accountability for the gravest crimes under international law.